

Penelope S. Strong, P.C.  
115 Clark Ave.  
Billings, MT. 59101  
Tel : 406-259-3367  
Fax : 406-259-1609

Paul G. Matt  
Matt Law Office  
P.O. Box 5  
Billings, MT. 59101  
Tel : 406/248/8844  
Attorneys for Defendant

FILED  
BILLINGS DIV.  
2008 DEC 21 PM 4 34  
PATRICK E. CUFFY, CLERK  
BY \_\_\_\_\_  
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CR 02-49-BLG-RFC
	)	
vs.	)	
	)	
	)	
	)	<b>MOTION FOR STAY OF</b>
	)	<b>SENTENCE AND RELEASE</b>
<b>CLIFFORD BIRD IN GROUND</b>	)	<b>PENDING APPEAL PURSUANT</b>
	)	<b>TO 18 USC § 3143 ( b )</b>
	)	
Defendant.	)	
	)	
	)	

NOW COMES Clifford Bird In Ground, Defendant in the above-entitled case,  
and by his counsel Penelope S. Strong, and Paul G. Matt, and pursuant to the Fifth and  
Sixth Amendments to the United States Constitution, and 18 U.S.C. § 3143 ( b ), and

moves this Court for an order releasing the Defendant on the current conditions of release granted in this matter, pending resolution of his appeal of the Court's Order denying a New Sentencing Hearing, which Order was entered on December 1, 2006.

The basis for this Motion is that there are issues for appeal that raise substantial questions of law and fact that are likely to result in a reversal of the Court's Order denying the requested relief. Counsel represents in good faith, that he believes the appeal filed has substantial merit, due to certain unique facts and unusual circumstances of the case. Further, counsel represents in good faith that the appeal has not been filed for the purpose of delay, and further, that this Defendant is not a flight risk.

As a further basis, the Defendant submits that he has no prior substantial criminal record, that he has fully complied with all the previously imposed conditions of release, and he has never failed to appear at any court hearing scheduled in this matter. Immediate incarceration will work an irreparable hardship on this Defendant.


This Motion is based on all the files, proceedings and records filed heretofore in this proceeding.

A detention hearing is requested on this Motion..

Opposing counsel has indicated in a prior filing that he opposes this Motion

Dated this 21<sup>ST</sup> day of December, 2006.

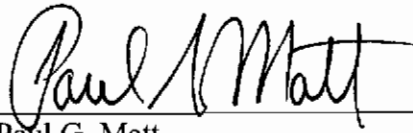
RESPECTFULLY SUBMITTED,

  
\_\_\_\_\_  
Paul G. Matt

**CERTIFICATE OF SERVICE**

On December 21, 2006, I mailed the above-titled document to :

Carl Rostad  
Assistant U. S. Attorney  
PO Box 1478  
Billings, MT 59103

  
\_\_\_\_\_  
Paul G. Matt